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DS-00 VIED-00 H-01 TERE-00 INR-00 LAB-01 L-00
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FM AMEMBASSY CARACAS
TO SECSTATE WASHDC 2001
INFO AMEMBASSY BOGOTA
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CIA WASHDC
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SUBJECT: REGULATIONS REGARDING INTERNATIONAL OBSERVERS TO VENEZUELAN ELECTIONS

1. FOLLOWING IS AN ENGLISH TRANSLATION OF THE REGULATIONS REGARDING THE ROLE, PRIVILEGES, AND DUTIES OF INTERNATIONAL OBSERVERS TO THE UPCOMING ELECTIONS IN VENEZUELA. THESE REGULATIONS WERE APPROVED RECENTLY BY THE NATIONAL ELECTORAL COUNCIL (CNE). A COPY OF THE REGULATIONS WAS PRESENTED TO THE AMBASSADOR BY CNE PRESIDENT RAFAEL PAPRA PEREZ.

2. BEGIN TEXT OF ENGLISH TRANSLATION:

REGULATIONS REGARDING INTERNATIONAL OBSERVERS TO VENEZUELAN ELECTIONS

CHAPTER I: OBJECTIVE

ARTICLE 1

THESE REGULATIONS WILL APPLY IN AN OBLIGATORY MANNER TO THE VARIOUS ACTIVITIES RELATED TO INTERNATIONAL OBSERVATION IN ELECTIONS THAT TAKE PLACE IN THE REPUBLIC OF VENEZUELA.

CHAPTER II: ON THE OBSERVATION PROCESS

ARTICLE 2

INTERNATIONAL OBSERVATION WILL TAKE PLACE BY INVITATION OF THE NATIONAL GOVERNMENT THROUGH THE PRESIDENT OF THE REPUBLIC, OR BY INVITATION OF THE NATIONAL ELECTORAL COUNCIL TO PERSONALITIES, GOVERNMENT REPRESENTATIVES, FOREIGN ORGANIZATIONS AND INTERNATIONAL BODIES, FOR THE PURPOSE OF OBSERVING A PARTICULAR ELECTION. IN THE CASE THAT ANOTHER STATE ENTITY, POLITICAL PARTY OR ALLIANCE, ORGANIZED GROUP, OR FOREIGN ORGANIZATION OR INSTITUTION

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: ADOLPH H FISHER
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HAS AN INTEREST IN INVITING OR SENDING INTERNATIONAL OBSERVERS. A REQUEST MUST BE MADE TO THE NATIONAL ELECTORAL COUNCIL, WHO WILL DETERMINE THE MATTER IN ACCORDANCE WITH WHAT IS STIPULATED IN ARTICLES 7, 8, AND 9 OF THESE REGULATIONS.

ARTICLE 3

THE OBSERVATION OF ELECTIONS WILL OCCUR BY MEANS OF ACCREDITED OBSERVERS IN CONFORMITY WITH WHAT IS ESTABLISHED IN THESE REGULATIONS. VENEZUELAN CITIZENS CANNOT BE DESIGNATED AS OBSERVERS.

ARTICLE 4

THE ACCREDITATION OF INTERNATIONAL OBSERVERS IS THE EXCLUSIVE DOMAIN OF THE NATIONAL ELECTORAL COUNCIL.

ARTICLE 5

DURING THE OBSERVATION PROCESS, THE NATIONAL ELECTORAL COUNCIL WILL PROVIDE ALL NECESSARY FACILITIES SO THAT INTERNATIONAL OBSERVERS ARE ABLE TO CARRY OUT THEIR MISSION. TO THAT EFFECT, THE NATIONAL ELECTORAL COUNCIL CAN CALL FOR THE NECESSARY SUPPORT FROM THE REST OF THE STATE BODIES IN ORDER TO COMPLETE THE OBSERVATION MISSION.

CHAPTER III: ON THE OBSERVATION PERIOD

ARTICLE 6

INTERNATIONAL OBSERVATION OF THE ELECTION PROCESS CAN START IMMEDIATELY AFTER RECEIVING THE CORRESPONDING INVITATION AND ACCREDITATION FROM THE NATIONAL ELECTORAL COUNCIL IN ACCORDANCE WITH THE AGREEMENT FINALIZED WITH EACH OBSERVATION MISSION.

CHAPTER IV: ON THE INVITATIONS

ARTICLE 7

IN THE CASE THAT ANY OTHER STATE BODY HAS AN INTEREST IN INVITING INTERNATIONAL OBSERVERS, IT WILL PETITION THE NATIONAL ELECTORAL COUNCIL, WHO WILL MAKE THE FINAL DECISION REGARDING THE CASE. IF THE DECISION IS FAVORABLE, THE INVITATION WILL BE SENT WITH THE KNOWLEDGE OF THE PETITIONER.

ARTICLE 8

IF A POLITICAL PARTY, ALLIANCE OR OTHER ORGANIZED GROUP WISHES TO INVITE INTERNATIONAL OBSERVERS, THEY MUST PETITION THE NATIONAL

ELECTORAL COUNCIL, WHO WILL MAKE THE FINAL DECISION ON THE CASE. IF THE DECISION IS FAVORABLE, THE INVITATION WILL BE SENT WITH THE KNOWLEDGE OF THE PETITIONER.

ARTICLE 9

A FOREIGN ORGANIZATION OR INSTITUTION INTERESTED IN BEING AN

OBSERVER OF A PARTICULAR ELECTION MUST WRITE THE NATIONAL ELECTORAL COUNCIL NO LESS THAN ONE (1) MONTH BEFORE THAT ELECTION, SPECIFYING THE REASONS FOR ITS INTEREST AND THE CONDITIONS FOR THE TYPE OF OBSERVATION IT WISHES TO CARRY OUT, AS WELL AS THE NAMES OF THOSE WHO WILL REPRESENT THE ORGANIZATION. THE NATIONAL ELECTORAL COUNCIL WILL MAKE A DECISION WITH RESPECT TO THE REQUEST. ITS DECISION IS FINAL.

CHAPTER VI: ON THE CATEGORIES OF OBSERVERS

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ARTICLE 10

INTERNATIONAL OBSERVERS ARE DIVIDED INTO:

- A) OFFICIALLY INVITED OBSERVERS; AND
- B) VISITING OBSERVERS.

IT IS UP TO THE NATIONAL ELECTORAL COUNCIL TO ESTABLISH AND ACCREDIT INTERNATIONAL OBSERVERS UNDER EACH CATEGORY.

ARTICLE 11

UNDER THE CATEGORY OF OFFICIALLY INVITED OBSERVERS ARE GOVERNMENT REPRESENTATIVES, PARLIAMENTS, ELECTORAL BODIES, FOREIGN INSTITUTIONS AND ORGANIZATIONS, AND PERSONALITIES THAT HAVE BEEN INVITED BY THE NATIONAL ELECTORAL COUNCIL. THESE OBSERVERS WILL ENJOY THE FACILITIES AND PRIVILEGES THAT THE NATIONAL ELECTORAL COUNCIL AND THESE REGULATIONS GRANT THEM, ONCE ACCREDITED.

ARTICLE 12

UNDER THE CATEGORY OF VISITING OBSERVERS ARE FOREIGN PERSONALITIES THAT HAVE BEEN INVITED AT THE REQUEST OF OTHER STATE ENTITIES, POLITICAL PARTIES, ALLIANCES OR OTHER ORGANIZED GROUP OR FOREIGN INSTITUTION. THESE OBSERVERS WILL ENJOY THE FACILITIES AND PRIVILEGES THAT THE NATIONAL ELECTORAL COUNCIL AND THESE REGULATIONS GRANT THEM, ONCE ACCREDITED.

CHAPTER VI: ON THE ACCREDITATION

ARTICLE 13

EXCEPT FOR WHAT IS STIPULATED IN ARTICLE 9, ONCE THE INVITATION HAS BEEN RECEIVED, THE INVITEE MUST DECLARE ITS INTEREST IN OBSERVING THE ELECTIONS WITH THE NATIONAL ELECTORAL COUNCIL OR THROUGH THE PERMANENT VENEZUELAN DIPLOMATIC OFFICE, AT LEAST A MONTH BEFORE THE CONCEIVED ELECTION.

ARTICLE 14

ONCE THE FORMALITIES INDICATED HAVE BEEN COMPLETED, THE REPRESENTATIVE(S) OF THE INVITED GROUP MUST ACCREDIT THEMSELVES WITH THE NATIONAL ELECTORAL COUNCIL WHO WILL EMPOWER AN OFFICE TO ATTEND TO THE INTERNATIONAL OBSERVERS.

ARTICLE 15

THE NATIONAL ELECTORAL COUNCIL WILL ISSUE THE PERTINENT CREDENTIAL, DIFFERENT FOR EACH CATEGORY OF INTERNATIONAL OBSERVER, UPON PRESENTATION OF THE CORRESPONDING REQUEST AND DOCUMENTS THAT ACCREDIT THAT PERSON AS A REPRESENTATIVE OR DELEGATE OF THE INVITED

FOREIGN INSTITUTION OR ORGANIZATION. SAID CREDENTIAL MUST INCLUDE:

- A) NAMES AND LAST NAMES OF THE RESPECTIVE OBSERVER;
- B) ORGANIZATION OR INSTITUTION TO WHICH THEY BELONG;
- C) CATEGORY IN WHICH THEY HAVE BEEN ESTABLISHED;
- D) PHOTOGRAPH OF THE BEARER;
- E) COUNTRY OF ORIGIN; AND
- F) SIGNATURE OF THE PRESIDENT AND/OR THE VICEPRESIDENTS OF THE NATIONAL ELECTORAL COUNCIL. THIS CREDENTIAL MUST BE WORN IN A VISIBLE PLACE BY THE INTERNATIONAL OBSERVER WHILE CARRYING OUT HIS/her ACTIVITIES.

CHAPTER VII: ON THE RIGHTS AND RESPONSIBILITIES OF INTERNATIONAL OBSERVERS

ARTICLE 16

OBSERVERS WILL ENJOY THE FOLLOWING RIGHTS:

- A) FREEDOM OF MOVEMENT;
- B) FREEDOM TO COMMUNICATE WITH ALL THE POLITICAL PARTIES, ALLIANCES, SOCIAL ORGANIZATIONS AND MEDIA; AND
- C) RIGHT TO BE ATTENDED TO BY IMMIGRATION AND CUSTOMS OFFICIALS WHEN ENTERING AND EXITING THE COUNTRY.

ARTICLE 17

OFFICIALLY INVITED OBSERVERS, WITH THE PRIOR KNOWLEDGE AND AUTHORIZATION OF THE NATIONAL ELECTORAL COUNCIL, WILL HAVE THE FOLLOWING FACILITIES AND PRIVILEGES:

- A) ACCESS TO AREAS DETERMINED BY THE NATIONAL ELECTORAL COUNCIL; THE REGIONAL ELECTORAL COUNCILS; THE MUNICIPAL ELECTORAL COUNCILS; THE VOTING CENTERS; AND THE VOTING TABLES;
- B) TO RECEIVE INFORMATION EMANATING FROM THE NATIONAL ELECTORAL COUNCIL AND FROM THE OTHER DEPARTMENTS INVOLVED IN COUNTING VOTES;
- C) TO OBTAIN INFORMATION ON REPORTS AND COMPLAINTS ON THE ELECTORAL PROCESS;
- D) TO OBSERVE CITIZENS, POLITICAL PARTIES AND ALLIANCES EXERCISING THEIR POLITICAL RIGHTS;
- E) TO OBSERVE THE PARTICIPATION OF POLITICAL PARTY REPRESENTATIVES IN THE ELECTORAL ORGANIZATIONS; AND
- F) THE COVERAGE OF THE COSTS OF LODGING, MEALS AND TRANSPORTATION IF INVITED BY THE NATIONAL ELECTORAL COUNCIL AND (HOSE INVITED OFFICIAL OBSERVERS FROM THE COUNTRIES BELONGING TO THE SOUTH AMERICAN ASSOCIATION OF ELECTORAL BODIES (QUITO PROTOCOL) AND TO THE INTERAMERICAN UNION OF ELECTORAL BODIES (UNIOFEC).

ARTICLE 18

VISITING OBSERVERS WILL HAVE THE FOLLOWING FACILITIES AND PRIVILEGES:

- A) ACCESS TO AREAS DETERMINED BY THE NATIONAL ELECTORAL COUNCIL; THE REGIONAL ELECTORAL COUNCILS; THE MUNICIPAL ELECTORAL COUNCILS; THE VOTING CENTERS; AND THE VOTING TABLES;
- B) TO RECEIVE INFORMATION EMANATING FROM THE NATIONAL ELECTORAL COUNCIL AND FROM THE OTHER DEPARTMENTS INVOLVED IN COUNTING VOTES;
- C) TO OBSERVE CITIZENS, POLITICAL PARTIES AND ALLIANCES EXERCISING THEIR POLITICAL RIGHTS;
- D) TO OBSERVE THE PARTICIPATION OF POLITICAL PARTY REPRESENTATIVES IN THE ELECTORAL ORGANIZATIONS.

ARTICLE 19

ALL INTERNATIONAL OBSERVERS, IN THE COURSE OF THEIR OBSERVATION MISSION IN VENEZUELAN TERRITORY, NECESSARILY MUST BE ACCOMPANIED BY OFFICIALS DESIGNATED BY THE NATIONAL ELECTORAL COUNCIL AND MUST COORDINATE THEIR ACTIVITIES WITH THE RESPECTIVE OFFICE IN CHARGE AND WITH THEIR ACCOMPANYING OFFICIAL.

ARTICLE 20

AT NO TIME WILL ANY OF THE DIFFERENT CATEGORIES OF INTERNATIONAL OBSERVERS BE ABLE TO INTERFERE IN THE INTERNAL MATTERS OF THE NATIONAL ELECTORAL COUNCIL.

CHAPTER VIII: ON THE RESPONSIBILITIES OF INTERNATIONAL OBSERVERS

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ARTICLE 21

IN ADDITION TO THE RESPONSIBILITIES OF IMPARTIALITY, NON-INTERFERENCE, INDEPENDENCE AND OBJECTIVITY THAT IS EXPECTED OF ALL INTERNATIONAL OBSERVERS IN AN ELECTION, ACCREDITED OBSERVERS MUST:

A) RESPECT THE CONSTITUTION OF THE REPUBLIC OF VENEZUELA, HER LAWS, RULES, AND OTHER NORMS AND ORDERS EMANATING FROM STATE BODIES AND THE NATIONAL ELECTORAL COUNCIL;

B) REFRAIN FROM ANY PROSELYTIZING OR DEMONSTRATION IN FAVOR OF A

POLITICAL PARTY OR SPECIFIC CANDIDATE;

C) PRESENT THEIR APPLICATION FOR ACCREDITATION WITH THE NATIONAL ELECTORAL COUNCIL, PROVIDING THE NECESSARY PERSONAL DATA AND IDENTIFYING DOCUMENTS;

D) ABSTAIN FROM INTERFERING OR BLOCKING THE DEVELOPMENT OF THE ELECTORAL PROCESS;

E) REFRAIN FROM DECLARING OR PUBLISHING PRELIMINARY RESULTS, PARTIAL OR TOTAL, OF THE ELECTIONS, OR OF THE SUCCESS OR DEFEAT OF ANY POLITICAL PARTY OR CANDIDATE;

F) REFRAIN FROM EMITTING DECLARATIONS THAT COULD BE DENIGRATING, OFFENSIVE, DEFAMATORY OR INJURIOUS TO ELECTORAL OFFICIALS OR BODIES OR OTHER GOVERNMENTAL INSTITUTIONS; OR THAT INTERFERE IN OR BLOCK THE INVESTIGATION OF COMPLAINTS OR REPORTS; AND

G) GIVE A COPY TO THE NATIONAL ELECTORAL COUNCIL OF THEIR REPORTS AND WRITTEN DOCUMENTS.

ARTICLE 22

OFFICIALLY INVITED OBSERVERS WILL BE OBLIGATED TO COMMUNICATE TO ELECTORAL OFFICIALS THE SPECIFIC PROBLEMS THEY OBSERVED.

ARTICLE 23

IN NO CASE WILL THE REPORTS, COMPLAINTS, JUDGEMENTS, OPINIONS OR CONCLUSIONS OF INTERNATIONAL OBSERVERS, WHICH THIS CHAPTER CONTRACTS, HAVE LEGAL EFFECT ON THE ELECTORAL PROCESS AND ITS RESULTS.

CHAPTER IX: ON THE CANCELATION OF ACCREDITATION

ARTICLE 24

THE NATIONAL ELECTORAL COUNCIL WILL BE ABLE TO REVOKE THE INTERNATIONAL OBSERVER ACCREDITATION OF ANY OFFICIAL THAT VIOLATES THE NATIONAL CONSTITUTION, THESE REGULATIONS, OR THE OTHER VENEZUELAN LEGAL NORMS, AND WILL NOTIFY IN WRITING TO THE INSTITUTION TO WHICH HE/SHE BELONGS THE REASONS FOR THE REVOCATION.

ARTICLE 25

IF A POLITICAL PARTY OR ALLIANCE WITHDRAWS FROM THE ELECTIONS OR DOES NOT PRESENT CANDIDATES, THE STATUS OF INTERNATIONAL OBSERVER OF THOSE INVITED BY POLITICAL PARTIES OR ALLIANCES WILL BE CANCELED.

ARTICLE 26

THE OBSERVER WHOSE ACCREDITATION IS REVOKED, WILL IMMEDIATELY LOSE ALL HIS RIGHTS AND PRIVILEGES AS SUCH AND WILL HAVE TO LEAVE THE COUNTRY WITHIN 72 HOURS OF NOTIFICATION.

CHAPTER X: FINAL ARRANGEMENTS

ARTICLE 27

ACCREDITED DIPLOMATIC MISSIONS IN VENEZUELA WILL BE INVITED BY THE

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NATIONAL ELECTORAL COUNCIL TO ACCREDIT OFFICIAL OBSERVERS ACCORDING TO WHAT IS PERMITTED BY THE LAWS AND PROVISIONS OF EACH COUNTRY, IN THAT THERE IS NO OPPOSITION TO THIS NORM. SAID DIPLOMATIC

MISSIONS WILL BE GUIDED BY WHAT IS STIPULATED IN THE VIENNA CONVENTION AND OTHER CONVENTIONS AND INTERNATIONAL AGREEMENTS ON DIPLOMATIC RELATIONS.

ARTICLE 28

WITHIN THE BUDGET FOR INTERNATIONAL OBSERVERS, THE NATIONAL ELECTORAL COUNCIL WILL ASSUME THE COST OF AIR TRANSPORT, LODGING, MEALS AND INTERNAL TRANSPORTATION ONLY FOR THOSE OBSERVERS OFFICIALLY INVITED BY THE NATIONAL ELECTORAL COUNCIL.

ARTICLE 29

THE EXPENSES TO WHICH THE PREVIOUS ARTICLE REFERS APPLIES FOR FIVE DAYS WITH THE UNDERSTANDING THAT THESE FIVE DAYS ARE COMPOSED OF THE TWO DAYS BEFORE, THE TWO DAYS AFTER, AND THE DAY OF THE CONCEIVED ELECTION.

ARTICLE 30

THESE REGULATIONS WILL GO INTO EFFECT -----.

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